

Chapter 16

MUNICIPAL COURTS*

Art. I.	In General, §§ 16-1—16-20
Art. II.	Clerk, §§ 16-21—16-40
Art. III.	Practice and Procedure, §§ 16-41—16-55

ARTICLE I. IN GENERAL

Sec. 16-1. Municipal courts judicial department created; director.

(a) There is hereby created the municipal courts judicial department of the city, which shall consist of the municipal judges and their staff.

(b) There is hereby created the office of presiding judge of the municipal courts, who shall be appointed and designated by the mayor and city council from among the municipal courts judges.

(c) The presiding judge shall be the director of the municipal courts judicial department and shall perform the duties of that office as provided by law and as assigned by the mayor and city council.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-2. Courts created; jurisdiction.

(a) There are hereby created 20 municipal courts of record of the city to be designated as municipal courts of record numbers 1 through 20.

(b) The municipal courts of record shall have the full extent of jurisdiction provided in any manner by general law for municipal courts including, but not limited to, jurisdiction over criminal cases arising from city ordinance violations within the territorial limits of the city and to the extent provided by state law jurisdiction for violations of city ordinances arising outside of the territorial limits of the city. The municipal courts of record shall have concurrent jurisdiction with a justice court in any precinct in which the city is located in criminal cases that arise within the

territorial limits of the city and are punishable by fine only. The municipal courts of record may also issue writs, warrants and other process as authorized by the general laws of the state.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-3. Judges.

(a) The city shall have both full-time and substitute municipal judges.

(b) Each municipal judge shall meet the qualifications for that office that are prescribed by state law. Additionally, each municipal judge shall at the time of appointment and qualification be required to be a resident of the city.

(c) Each municipal judge shall be appointed by the mayor and confirmed by the city council for a term of two years. If any office becomes vacant during a term, then a qualified person shall be appointed and confirmed in the same manner for the remainder of the term.

(d) Municipal judges shall be subject to removal from office as provided by state law.

(e) Full-time municipal judges shall be entitled to compensation as provided or authorized by ordinance. Substitute municipal judges shall be compensated on a per diem basis for services rendered, as provided in section 16-5 of this Code. (Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-4. Numbers of judges.

The numbers of municipal judges, both full-time and substitute, shall be as established from time to time in the master classification ordinance. For the sake of control of their terms, the

***Editor's note**—Ord. No. 00-325, § 1, adopted April 26, 2000, amended Ch. 16 in its entirety. Formerly, said chapter pertained to similar subject matter. See the Code Comparative Table.

Charter reference—Corporation court, Art. II, § 13.

Cross references—General penalty for violation of code, § 1-6; officers and employees generally, § 2-21 et seq.; charge for records of municipal court, § 2-97, prisoners and prison farms, Ch. 35; payment of certain fines to motor vehicle compound attendant, § 45-207.

judges may be assigned position numbers. However, all municipal judges, both full-time and substitute, shall be subject to assignment to serve from time to time in any of the municipal courts of record by the presiding judge, as provided by the general laws of the state.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-5. Assignment and compensation of substitute judges.

Substitute municipal judges shall be assigned to the municipal courts of record as and when needed on a temporary basis by the presiding judge, as authorized by state law. Substitute judges shall be compensated on a daily basis for those days upon which they perform services as directed by the presiding judge. The compensation shall be an amount equal to the minimum daily amount payable to a full-time municipal judge as computed on a daily basis. The compensation shall be payable in accordance with a procedure established by the presiding judge and the city controller, provided that the presiding judge shall in each instance certify that the service was requested and performed before any compensation is paid.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-6. Court facilities.

The mayor and city council shall provide court rooms, offices, furniture, law books, and other facilities and supplies as they deem necessary for the proper operation of the municipal courts of record.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-7. Reporter.

The record of proceedings in each of the municipal courts of record shall be preserved by a court reporter who shall meet the qualifications provided by law and shall be employed by the city as provided by law.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-8. Child safety fund.

(a) Pursuant to section (a) of article 102.014, Texas Code of Criminal Procedure there is hereby assessed a court cost of \$5.00 on each parking

violation. The court cost fee shall be assessed on every violation to which it appertains under the provisions of the state law.

(b) There is hereby created within the treasury of the city a fund to be designated as the child safety fund ("the fund"). The fund shall consist of those costs and fees that are payable into the fund as provided in section 106.002 of the Texas Local Government Code.

(c) In connection with the annual fiscal year city budget process, or an amendment thereto, the monies expected to be available in the fund shall be appropriated for the purposes provided by section 106.003 of the Texas Local Government Code in accordance with the following procedures and policies:

- (1) Provisions for the services of school crossing guards shall be the first priority for expenditure of the fund. No monies shall be appropriated from the fund for administrative expenses as allowed by section 343.013 of the Texas Local Government Code or for other child services as provided by section 106.003(b) of the Texas Local Government Code, unless a surplus of funding exists after school crossing guard services have been funded.
- (2) The director of finance and administration or his designee shall annually designate a period during which applications will be received from public, parochial or private elementary or secondary schools for funding of school crossing guard services contracts during the next school year. Notice shall be provided by mailing a copy to the superintendent's office of each public school district having one or more schools in the city, by mailing a copy to each private and parochial school in the city that has its name and address available through a listing provided to the public by the Texas Education Agency and by publishing notice one time in a newspaper of general circulation. In the notice, the director of finance and administration shall specify a date for the receipt of applications and specify the place where information may be obtained regarding

the form in which they shall be provided. The director of finance and administration may issue rules and regulations for the submission of applications and the determination of allowable service costs for personnel and equipment reimbursements hereunder.

- (3) It is the policy of the city council to rely upon the traffic safety recommendations of school districts for public schools and school administrators for other schools in determining the need for school crossing guard services. Each application shall include justification for funding of each crossing location that is requested therein, including a description of street conditions, traffic levels, street use, expected student crossing use and related safety data, which shall be provided by the chief traffic safety official of school districts and by the principal of schools not operated by school districts. Subject to the priorities of funding set forth in item (4), below, the director of finance and administration shall recommend each application that is timely filed in proper form for the issuance of a funding contract by the city council. In the event that the city council questions the appropriateness of a recommendation, then the matter may be referred by city council to the traffic engineer.
- (4) Monies shall be disbursed from the fund to reimburse costs of providing paid school crossing guards at schools. No school district or school shall be reimbursed an amount greater than its actual service costs as computed in accordance with the rules and regulations adopted under item (2), above. To the extent that the monies available in the fund are insufficient to cover the costs of school crossing guards at both elementary schools and secondary schools, then funding shall be first applied to cover the full costs of elementary school crossing guards. To the extent that the monies available in the fund are insufficient to cover the full allowable costs of all elementary school crossing guards

for which applications are timely filed and approved, then the available money in the fund shall be apportioned equally on the basis of the total number elementary school crossings within the city for which a funding application was timely filed and approved. In the event that the monies available in the fund are sufficient to pay the full costs of elementary school crossing guard services and only a portion of the costs of secondary school crossing guard services, then the funds remaining after full payment of the elementary school crossing guard services shall be equally apportioned for secondary school crossing guard services in the same manner provided above.

(d) All funding for school crossing guards for public schools under this section shall be made available through the school district that operates the school. Private and parochial schools funding shall be provided to the school. Funding shall be made available in quarterly reimbursements upon contracts and a schedule to be established by the director of finance and administration, who may require proof that the services were or are being actually provided. All expenditures of the city under this section for contracts issued or other obligations assumed shall be expressly limited to the monies available in the fund.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-9. Parking fees for municipal courts parking lot.

Users of that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue, which is known as the municipal courts parking lot, shall be liable for the payment of fees, per vehicle, according to the following schedule:

- (1) Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applica-

ble sales tax; the maximum fee shall also be imposed for users who lose their time-in ticket.

- (2) Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.
- (3) Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.

(Ord. No. 00-325, § 1, 4-26-00; Ord. No. 03-760, § 1, 8-20-03)

Sec. 16-10. Municipal courts building security fund.

(a) As authorized by article 102.017 of the Texas Code of Criminal Procedure, there is hereby created a municipal courts building security fund. Each defendant convicted of a misdemeanor offense in the municipal courts of record shall pay a \$3.00 security fee as a court cost, which fee shall be deposited in the city treasury to the credit of the fund. A person is considered "convicted" for purposes of this court cost fee under any of the circumstances provided in article 102.017(c).

(b) The fund created in subsection (a) shall be administered under the direction of the city council and may only be used to finance security equipment and services for buildings that house a municipal court as more particularly provided by article 102.107(d).

(Ord. No. 00-325, § 1, 4-26-00; Ord. No. 04-682, § 9a, 6-23-04)

Sec. 16-11. Municipal court security officers.

(a) There is hereby created the classification of municipal court security officer within the civil service system established under article Va of the City Charter. Municipal court security officers shall be employees of the municipal courts administration department.

(b) Municipal court security officers shall perform duties relating to the orderly and efficient administration of the municipal courts consistent

with the directives of the presiding judge and other duties as determined by the director of the municipal courts administration department.

(c) Municipal court security officers shall not be peace officers, nor shall they be regarded as police officers or as municipal courts marshals. Furthermore, they shall not be entitled to classification under chapter 143 of the Texas Local Government Code or any of the other benefits that are specially afforded to peace officers, police officers and city marshals under state laws and city ordinances.

(Ord. No. 00-325, § 1, 4-26-00; Ord. No. 04-797, § 1, 7-28-04)

Sec. 16-12. Secure area.

(a) In this section the following words and terms shall have the meanings ascribed to them in this subsection:

Secure area means any area within any building that houses a municipal court to which entry is controlled by use of a security system.

Security system means the magnetometers, x-ray devices, card-operated lock systems and related measures that may be installed and operated within any building that houses a municipal court to ensure that persons entering a secure area within the building do not have weapons in their possession.

(b) It shall be unlawful for any person to enter or to attempt to enter the secure area without fully complying with the provisions of the security system.

(c) It is a defense to prosecution under this section that the accused person is a peace officer of the city or that the accused person is a contractor, officer or employee of the city who holds a valid security system pass issued under rules promulgated by the presiding judge of the municipal courts for the operation of the security system.

(d) Violation of this section is declared to be unlawful and violations shall be punishable by a fine of not less than \$100.00 nor more than \$500.00 provided that any conduct that also constitutes a violation of state law shall be punishable as provided by state law.

(e) The presiding judge of the municipal courts may issue regulations pertaining to the installation and operation of security systems. (Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-13. Technology fee.

(a) As authorized by article 102.0172 of the Texas Code of Criminal Procedure, there is hereby created a municipal courts technology fund. Each defendant convicted of a misdemeanor offense in the municipal courts of record shall pay a \$4.00 technology fee as a cost of court, which fee shall be deposited in the city treasury to the credit of the fund. A person is considered "convicted" for purposes of this court cost fee under any of the circumstances provided in article 102.0172(b).

(b) The fund created in subsection (a) shall be administered under the direction of city council and may only be used to finance the purchase and maintenance of technological enhancements for the municipal courts of record as more particularly provided in article 102.0172.

(c) *Reserved.*
(Ord. No. 00-325, § 1, 4-26-00; Ord. No. 03-943, §§ 1, 2, 10-15-03)

Secs. 16-14—16-20. Reserved.

ARTICLE II. CLERK

Sec. 16-21. Department created; director.

(a) There is hereby created the municipal courts administration department of the city, which shall consist of the chief clerk of the municipal courts and his staff.

(b) There is hereby created the position of chief clerk of the municipal courts, who shall be appointed by the mayor, with the approval of the city council. The chief clerk of the municipal courts shall serve at the pleasure of the mayor. The chief clerk of the municipal courts shall be the director of the municipal courts administration department.

The chief clerk of the municipal courts shall be the official clerk for each of the municipal courts created in this chapter and shall discharge all of

the duties attendant upon that position as prescribed by this chapter and the laws of the state and the charter and ordinances of this city; provided, however, that all of the duties shall be carried out in cooperation and consultation with the presiding judge, and further provided that each respective municipal judge shall have control over the clerks serving his or her court for purposes relating to the operation of the court.

(c) The duties of the chief clerk of the municipal courts shall be, in part, to administer oaths and affidavits, make certificates, affix the seal of the courts thereto, keep minutes of the proceedings of the courts, issue all processes and to do generally and perform all things and acts usually or necessarily performed by clerks of courts in connection with the business thereof. He shall do and perform any additional duties as may be required of him by the city council.

(d) The chief clerk of the municipal courts also shall, in cooperation and consultation with the presiding judge of the municipal courts, perform the following duties:

- (1) Maintain a central docket for all cases filed in the municipal courts.
- (2) Keep for the period required by law permanently all dockets, books, papers, and other records of the municipal courts and to make the records available for inspection at all reasonable times by any interested party.
- (3) Maintain as part of the records of the municipal courts an index of municipal courts judgments.
- (4) Where necessary for the proper functioning of the municipal courts, provide for the preservation by microfilm of the records of the courts.

(e) The duties of the chief clerk of the municipal courts shall include other duties as are prescribed by applicable law.
(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-22. Oath.

The chief clerk of the municipal courts shall be required to take an oath to faithfully perform the duties of the office.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-23. Reports.

The chief clerk of the municipal courts shall make a daily report of all cases brought before the municipal courts, tried and dismissed, showing the number of each case, the name of the defendant, the nature of the offense and the reasons for the dismissal or acquittal.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-24. Deputy clerks.

(a) In cooperation with the presiding judge, the chief clerk, within the number of authorized deputy clerks established by the city council, shall employ a sufficient number of deputy clerks to ensure the proper operation of the respective municipal courts. The deputies shall assist the chief clerk in performing his duties hereunder.

(b) Each deputy clerk of the municipal courts shall act for and on behalf of the chief clerk of the municipal courts in the discharge of the duties of that office and shall perform any other duties as may be assigned by the chief clerk, with the advice and consent of the presiding judge and in cooperation with the judge in whose court any particular deputy clerk may be assigned. The deputy clerks shall take the oath of office and give the bond as may be required by law.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-25. Parking citations issued for rental vehicles.

(a) As used in this section, the following words shall have the meanings ascribed in this subsection:

Appearance means either:

- (1) The entry of an appearance, in person or through legal counsel, in the municipal court system to contest a parking citation and the making of a bond in any manner authorized by

law and approved by the municipal courts to secure appearance at the administrative hearing; or

- (2) The uncontested disposition of a parking citation by payment in good and sufficient funds received by the municipal court system in the applicable amount established for the uncontested payment of the fine for the parking citation, including all applicable fees and costs.

Parking citation means a citation, returnable in the municipal court system of the city, issued for the alleged violation of any city ordinance or state law regarding the parking of vehicles.

Rental vehicle means a motor vehicle operated pursuant to a lease, rental agreement, independent contractor vehicle for hire operating agreement, or other transaction whereby in exchange for monetary or other valuable consideration one person ("the lessor") transfers the right to possess and operate a motor vehicle to another person ("the lessee").

(b) The chief clerk of the municipal courts shall cause notice to be provided by mail or electronic transmission to the registered owner of a rental vehicle that is the subject of a parking citation, provided that the registered owner has supplied information required by procedures adopted by the chief clerk in connection with this subsection. The notice shall be provided within 20 days after the issuance of the parking citation.

(c) If a parking citation is issued for a violation committed by the operator of a rental vehicle and the lessee or other person parking the vehicle fails to make an appearance on the parking citation within 45 days following the date of its issuance, then the lessor shall, within 30 days following the date of mailing of a written default notice from the clerk of the municipal courts, pay the applicable fine for the citation including all applicable fees and costs on behalf of the lessee. Any default notice authorized to be mailed under this section may be deposited in the United States mail addressed as shown on the state vehicle registration records for the rental vehicle lessor

or addressed to any other address used by the lessor for its rental vehicle business operations within the city.

(d) Nothing herein shall be construed to preclude rental vehicle lessors from obtaining a pledge of financial security from lessees or otherwise securing payment for or recovering the cost from the lessees on any parking citations that are paid on behalf of lessees hereunder.

(e) The clerk of the municipal courts shall, from time to time, provide reports regarding collection activities under this section to the mayor and city council. Upon report that any lessor has failed to timely comply with any obligation under this section, the mayor may cause a hearing regarding the matter to be scheduled before the city council at one of its regular meetings or at a special meeting called for that purpose. The lessor shall be entitled to at least 20 days' prior written notice of the hearing and shall be provided a list of the parking citations for which the lessor is alleged to have failed to timely comply with any provision of this section. The hearing shall be conducted in accordance with procedural rules developed and promulgated by the Mayor, which shall be consistent with principles of due process. If, following the hearing, the city council finds the lessor to have violated this section, then the city council may, unless otherwise prohibited by law, terminate any city license, permit, franchise, lease, concession, occupancy agreement, or other regulatory or contractual authorization or agreement by or through which the lessor or any other entity affiliated with the lessor conducts any business activities upon any premises owned or controlled by the city or upon the streets of the city. If the city council finds that the violation was not intentional and that the lessor has taken effective measures to prevent a recurrence, then it may issue a warning or suspension in lieu of a termination. The remedies provided in this section are in addition to any other action that is authorized in this Code or otherwise by law and shall not be deemed to preclude the taking of any other remedial action by the city.

(Ord. No. 00-325, § 1, 4-26-00; Ord. No. 04-386, § 2, 5-5-04)

Secs. 16-26—16-40. Reserved.

ARTICLE III. PRACTICE AND PROCEDURE

Sec. 16-41. Generally.

State law shall govern the procedure, practice and administration of the municipal courts in the city.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-42. Terms and business hours; setting trial time.

The municipal courts shall hold no terms and shall be at all times open for the transaction of business.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-43. Representation of defendants by counsel; informing defendants of rights.

(a) All defendants in municipal courts are entitled to be represented by counsel and the judges of each respective municipal court shall so instruct each defendant prior to any plea in the case. If requested, the judge shall grant a reasonable continuance to allow the defendant to retain counsel.

(b) If the defendant is charged with an offense involving moral turpitude or if the defendant is a juvenile charged with a non-traffic offense, the court shall, prior to any plea in the case, inform the defendant of the accusation against him, of the right to be represented by counsel and of the right to have counsel appointed if the defendant is indigent and financially unable to employ counsel.

(c) If the court determines that a defendant charged with an offense involving moral turpitude is indigent, the court shall appoint counsel to represent the defendant. In cases where a juvenile is charged with a non-traffic offense, if the court determines that the juvenile is indigent, that it is in the best interest of the juvenile, and that it is in the interest of justice to do so, the court shall appoint counsel to represent the juvenile defendant. Indigency is to be determined by

the court. The defendant shall file an oath or affirmation of indigency under the penalties of perjury stating that he is financially unable to employ counsel. For a juvenile defendant, the court may, in the interest of justice, require a parent or guardian to join the aforesaid oath or affirmation. The court may appoint counsel on the basis of that oath or may hold a separate hearing to determine the defendant's financial ability to pay.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-44. Compensation of court-appointed counsel.

(a) A counsel appointed to defend a person charged with an offense involving moral turpitude or appointed to defend a juvenile charged in a non-traffic offense shall be paid according to the following schedule:

- (1) For each appearance in the municipal courts representing the accused, a reasonable fee to be set by the court of not less than \$50.00 nor more than \$100.00.
- (2) For the representation of an accused during a trial by jury in the municipal courts, a reasonable fee to be set by the court of not less than \$100.00 nor more than \$150.00.
- (3) For the prosecution to a final conclusion of a bona fide appeal from the municipal courts to the county court, a reasonable fee to be set by the court of not less than \$100.00 nor more than \$150.00.

(b) The minimum fee will be automatically allowed unless the municipal judge who appointed counsel orders a higher fee within five days of the attorney's appearance.

(c) An attorney may not receive more than one fee for each one half day in court, regardless of the number of cases in which he appears as appointed counsel on the same day.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-45. City employee not to represent defendant.

It shall be unlawful for any person who receives a salary from the city to be in any way,

directly or indirectly, interested in the defense representation of any person charged with the violation of any ordinance of the city or of any of the criminal laws of the state, except so far as may be necessary to give evidence in behalf of persons so charged with violating any of said ordinances or criminal laws.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-46. Docket.

The chief clerk of the municipal courts, under the direction of the presiding judge, shall keep a docket in which he shall enter the proceedings in each trial, which docket shall show:

- (1) The style of the action.
- (2) The nature of the offense charged.
- (3) The date the warrant was issued and the return made thereon.
- (4) All pleas, written motions and orders of the court.
- (5) The jury charge and verdict, if the trial is by jury.
- (6) The judgment of the court.
- (7) Motion for new trial, if any, and the decision thereon.
- (8) If an appeal was taken.
- (9) The time when, and the manner in which the judgment was enforced.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-47. Failure of defendant to appear at trial.

It shall be unlawful for any person knowingly to fail to appear for the trial of any charge against the person pending in the municipal courts of the city.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-48. Plea by defendant.

(a) The charge shall be read to the defendant, who shall plead thereto, and the plea shall be entered upon his docket by the judge of one of the municipal courts. All pleas must be made to the judge by the defendant or his legal representative.

(b) No plea of guilty shall be accepted except by the judge of one of the municipal courts. Should the defendant plead guilty before the municipal court, the judge thereof shall thereupon enter the plea on the judge's docket and assess a fine and costs as may be authorized by law. If a plea of not guilty shall be entered to the complaint, a trial shall be had, either by the court or by a jury, as the defendant may elect.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-49. Jury fees.

A person who responds to the process of the municipal courts and is not exempted or excused from service, shall be entitled to compensation at the rate of \$6.00 per day or any portion of a day, regardless of whether the person is actually selected for or serves on a jury.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-50. Fines to be paid to clerk or officer.

All fines assessed by the municipal courts shall be paid to the chief clerk of the municipal courts or some officer designated by the presiding judge to receive the same. No person is to be imprisoned for nonpayment of a fine except as set out in section 16-51 of this Code.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-51. Alternative method for payment of fine.

(a) When a defendant has been found guilty, by plea or conviction, a judgment that the defendant pay a fine shall also direct that the defendant may request of the court a deferred payment, either to a certain time or by an installment agreement.

(b) The defendant's petition to the court for an installment agreement shall include:

- (1) A statement of the fines which have been assessed against the defendant.
- (2) A statement that the defendant is unable to pay the fine assessed at the time the petition is made.
- (3) A statement of the amount of money the defendant will be able to pay periodically.

- (4) A statement that if the court grants the installment agreement, the defendant shall make the payment of that amount.
- (5) The defendant's statement that "I understand and agree that failure for any cause to make any payment as agreed will give rise to the issuance of a warrant for my arrest and my being confined in the City of Houston jail until the fine is fully satisfied."
- (6) The defendant's signature.

(c) Only in the event that the defendant fails to pay the fine assessed or fails to pay an installment after having signed an installment agreement, may the defendant be incarcerated for failure to pay a fine. No person may be imprisoned because he cannot pay the full amount of the fine owed. If the defendant fails to pay an installment or refuses to pay the fine assessed, he shall be incarcerated until the fine is fully satisfied. (Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-52. Remittance of fine and court costs.

In all cases mentioned in section 16-51 of this Code, or in any other case resulting in a judgment from a municipal court, where it appears from the facts and circumstances surrounding the particular case that justice has not been served, or that an unjust or excessive fine has been imposed in the case, or for other just cause, the presiding judge of the municipal courts shall have the authority to remit all or any part of the fines and costs of the court associated with any the judgment. The action of the presiding judge, on a proper form, shall be transmitted to the chief clerk of the municipal courts to be entered upon the municipal courts docket by the chief clerk and to the controller who shall authorize a refund of so much of the fine and costs as the presiding judge, in his sole discretion, in each particular case, shall so designate.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-53. Report of commitments returned.

The chief of police shall make a report daily, except on legal holidays, of all commitments returned by him to any of the municipal courts. This

report shall show the case number, the name of the defendant and the amount of the fine in each case, and shall also show opposite the fines in each case, the manner in which the fines were liquidated.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-54. Appeals.

A defendant has the right of appeal from a judgment of conviction in the municipal courts under the rules prescribed by state law. Defendants who institute appeals shall serve copies of their motions for new trial, any amended motions for new trial, notices of appeal and briefs upon the city attorney or his designated assistant who is handling the case in the manner prescribed by state law.

(Ord. No. 00-325, § 1, 4-26-00)

Sec. 16-55. Rules of practice and procedure.

The presiding judge may recommend to the city council the adoption of ordinances establishing rules and regulations concerning the practice and procedure in the municipal courts. The rules and regulations and amendments thereto, if any, shall not constitute a part of this Code. Copies thereof shall be maintained for public inspection and copying in the city secretary's office and the office of the chief clerk of the municipal courts. With the consent of the presiding judge, the chief clerk of the municipal courts may cause copies thereof to be published and make the same available at a cost that is equivalent to the cost of publication, provided that no fee shall be imposed for the first copy supplied to any indigent defendant who makes an affidavit that he is unable to pay the cost thereof.

(Ord. No. 00-325, § 1, 4-26-00)